

I am a resident who, while I do not have a septic system, consumes well water both at my residence and at public places which rely on well water.

I would like to offer the following comments regarding the proposed 2011 Draft Regulations.

1) I am frustrated by the attempt to push the big decisions that are going to have to be made at some point down to individual local agencies under the proposed Tier system. Many of these agencies lack both the expertise, the resources, and, in some cases, the authority to deal with significant water quality issues. Your proposed regulations appear to be an attempt to delay and/or "punt" the decisions down the road.

2) If some form of testing is required in any circumstance to protect surface/groundwater, then why not in all circumstances. The testing "burden" is not that financially onerous for those who want to use a system that has inherent risks. Unfortunately, I suspect that many people "just don't want to know" whether their system is working or not. A once every five year professional test and at time of sale or transfer does not seem that onerous and would provide real data on how extensive a problem might be. So called "experts" point to presumed compliance rates for which there is no data to support and which current enforcement programs are so minimal that they do not support such presumption.

3) Deferring to local agency rules does not assure the same CEQA type review for any new rules that might be developed at a local level. This whole process seems to be an attempt to come in through the back door around CEQA requirements.

4) There does not appear to be any deference in the new rules towards new technologies for wastewater management. (This would also be something that local agencies are not in a position to technically review.)

5) Rather than provide funds through local agencies to individual systems, why not direct limited funds available to developing and testing new low cost technologies that would then be available to all. Most are currently using technology that saw its last major innovation over fifty years ago.

6) The 600 ft. (nitrate) and 100 ft. (pathogens) setbacks appear entirely arbitrary and are not protective of surface water sources and certainly ludicrous in the case of groundwater aquifers. They could also set a precedent for the geographic scope of any future investigation for contaminated sources.

7) During your public meeting at Santa Rosa, Ca., the statement was made by government representatives that "95% of current systems will be unaffected by the proposed regulations." This statement was intentionally misleading as almost every system at some point will require repairs of one type or another, thus kicking in the new requirements. Also, as already discussed above (2) the current compliance rate of better than 95% is "guesstimated" on data generated from an "on discovery" enforcement system by local agencies that is woefully inadequate. It also does not account for the likelihood that as more data is generated, the number of affected water systems triggering Tier 3 & 4 requirements will only grow.

With out going into further detail, in short I believe that the California Water Boards have done a complete disservice to the people of California whom they serve. This is a real public health issue and should be treated as such. I would recommend that you start over with a serious study to determine the potential scope of the problem and come up with a serious statewide program to address the basic issues. To do this, I would encourage a two year study involving third party, non-regulatory inspection of a large number of systems to determine a true current compliance rate across the state, accompanied by research and development of alternate low cost technologies to deal with waste. This would then allow for a basic set of statewide requirements for effective sanitary waste management as well as a tool box of alternative technologies that could be applied to meet the standards. These should then be applied evenly across the board to protect the peoples water supply.

Mark A. Calhoon